

Probi2D
(7/93)

**United States District Court
for the District of Massachusetts**

Request for Summons and Modification of the Conditions or Term of Supervision

Name of Offender: Darren Rhodes

Case Number: 1:04-CR-10251

Name of Sentencing Judicial Officer: The Honorable Thomas J. McAvoy, U.S. District Judge

Transfer of Jurisdiction to the D/MA: April 17, 2004 The Honorable Patti B. Saris, U.S. District Judge

Date of Original Sentence: 3/27/97

Original Offense: Conspiracy to Possess with Intent to Distribute and Distribution of Cocaine, Heroin, and Marijuana

Transfer of Jurisdiction to the D/MA: 8/17/04; The Honorable Patti B. Saris, U.S. District Judge, District of Massachusetts

Original Sentence: 120 months of custody; 60 months of Supervised Release

Type of Supervision: Supervised Release

Date Supervision Commenced: 03/11/2004

PETITIONING THE COURT

The offender, not having waived a hearing, the probation officer requests that a summons be issued and hearing held to modify the conditions of supervision as follows:

The defendant is not to consume any alcoholic beverages.

CAUSE

On March 2, 2008, at approximately 11:30pm, officers from the Leominster Police Department were dispatched to the home of Wanda Rhodes, Mr. Rhodes' estranged wife, for a report of a possible domestic violence. Upon arrival Wanda Rhodes informed the officers that Mr. Rhodes had just left and he had been outside her apartment banging on the doors and windows advising her to let him inside the apartment. Mrs. Rhodes also stated that Mr. Rhodes had been calling her phone all night harassing her to the point where she did not want to answer her phone. Mrs. Rhodes denied that Mr. Rhodes had threatened any physical violence. Mrs. Rhodes further stated that she and Mr. Rhodes were currently separated and not attempting to reconcile.

On March 3, 2008, during a home contact, USPO Forman observed approximately five empty beer bottles in Mr. Rhodes' bedroom. Mr. Rhodes stated that the beer bottles belonged to him and that he does consume a few beers after work. At that time Mr. Rhodes was cautioned regarding his history of substance abuse and reminded that it is a violation of his conditions of supervised release to excessively use alcohol. At the time of this home contact, USPO Forman was not aware of the complete details of the previous night's police involvement.

Prob 12B

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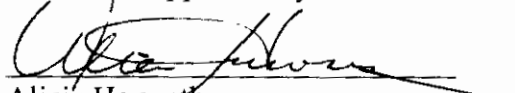
**Request for Summons and Modification of the
Conditions or Term of Supervision**

On April 2, 2008, an Administrative Hearing was held before Supervising USPO Alicia Howarth. Present at the hearing were Mr. Rhodes and USPO Forman. The purpose of the hearing was to address non-compliance by Rhodes as he had been charged in state court with new criminal behavior, Criminal Harassment (see attached police report) relating to the above mentioned incident with his estranged wife. Mr. Rhodes admitted to going to the home of Mrs. Rhodes and stated that he was banging on her window as he did not believe she could hear him knocking on the door. Mr. Rhodes denied that he had consumed any alcoholic beverages prior to going to the home of Mrs. Rhodes. Mr. Rhodes did inform the probation office that he consumed alcoholic beverages on regular basis and that he usually drinks alcohol every day after work. Mr. Rhodes stated that he usually consumes straight vodka and will have a couple of beers. Mr. Rhodes denied that he had a dependency on alcohol and did not believe it was an issue to consume alcohol. Mr. Rhodes submitted to a Breathalyzer Test and registered a .01. It should be noted that while this reading is below the cut off for criminal intoxication, which is .08, it is still concerning that Mr. Rhodes was under the influence of alcohol when he reported to the probation office. Mr. Rhodes was informed that he will be placed back on the random color code program for urinalysis and he will be referred for substance abuse treatment. Because of the probation office's increased concern with Mr. Rhodes alcohol consumption, we requested that his conditions be modified to include a condition prohibiting him from consuming alcohol. Mr. Rhodes refused to agree to this modification and requested a hearing before Your Honor.


I declare under penalty of perjury that the forgoing is true and correct.

Reviewed/Approved by:

Respectfully submitted,



Alicia Howarth
Supervising U.S. Probation Officer

By


Michael D. Forman
U.S. Probation Officer
Date: 4/15/08

THE COURT ORDERS

- ☐ No Action
☒ The issuance of a summons.
☐ Other


Signature of Judicial Officer

4/28/08
Date

Incident Report

03/03/2008



Incident #: 08-6091-OF
Call #: 08-6091

Date/Time Reported: 03/02/2008 2325
Report Date/Time: 03/03/2008 0037
Status: Incident Open
Reporting Officer: Patrol Kyle Mimnaugh

Signature: _____

| SUSPECT(S) | SEX | RACE | AGE | SSN | PHONE |
|---|-----|------|-----|-------------|--------------|
| 1 RHODES, DARRAN 122 WATER ST 100 LEOMINSTER MA 01453 | M | B | 44 | 114-60-1922 | 978-342-4476 |

HEIGHT: 602 WEIGHT: 220 HAIR: BROWN EYES: BROWN
 BODY: MUSCULAR COMPLEXION: DARK BROWN
 DOB: 08/06/1963 PLACE OF BIRTH: QUEENS, NEW YORK
 LICENSE NUMBER: NOT AVAIL. ETHNICITY: NOT HISPANIC

[CONTACT INFORMATION]

Home Phone (Primary) 978-342-4476

[APPEARANCE]

GLASSES WORN: NO

[FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS: MARRIED

FATHER'S NAME: RHODES, WILLIE E
 MOTHER'S NAME: GILLESPIE, VERNIA

EMPLOYER/SCHOOL: 577 MAIN
 HUDSON MA

OCCUPATION: TECHNICIAN

| OFFENSE(S) | ATTEMPTED | TYPE |
|---|-----------|--------|
| LOCATION TYPE: Residence/Home/Apt./Condo Zone: PT4 122 WATER ST 100 LEOMINSTER MA 01453 | | |
| 1 HARASSMENT, CRIMINAL 265/43A/A | N | Felony |
| OCCURRED: 03/02/2008 2325 | | |

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 DISTRICT COURT
 OF LEOMINSTER
 FILED
 CLERK/MAGISTRATE

Incident #: 08-6091-OF
Call #: 08-6091

| # | VICTIM(S) | SEX | RACE | AGE | SSN | PHONE | |
|---|--|-------------|------|------|-------------|--------------|--------------|
| 1 | RHODES, WANDA 122 WATER ST 100 LEOMINSTER MA 01453 DOB: 10/18/1961 ETHNICITY: Not of Hispanic Origin RESIDENT STATUS: Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 1 CONTACT INFORMATION: Home Phone (Primary) 978-534-1971 | F | B | 46 | 066-60-0841 | 978-534-1971 | |
| # | PERSON(S) | PERSON TYPE | SEX | RACE | AGE | SSN | PHONE |
| 1 | RHODES, JALISA 122 WATER ST 100 LEOMINSTER MA 01453 DOB: 08/30/1992 CONTACT INFORMATION: Home Phone (Primary) 978-534-1971 | WITNESS | F | B | 15 | NOT AVAIL | 978-534-1971 |

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DISTRICT COURT
OF LEOMINSTER
FILED
CLERK/MAGISTRATE

Ref: 08-6091-OF

On the above date and time while assigned to car 2304 I was dispatched to 122 Water Street for a reported possible domestic violence. Dispatch advised that the caller stated her husband (who she was currently separated from) was outside her apartment banging on her door and windows.

Upon arrival I spoke with the caller Wanda Rhodes. She explained to me that her husband Daran Rhodes had just left prior to my arrival, and had been outside her apartment banging on the doors and windows advising her to let him in. Wanda stated that Daran had also been calling her phone all night harassing her to the point where she did not want to answer her phone for the rest of the night. (This was proven when I requested dispatch call Wanda back to advise her to open the front door for me upon my arrival. She did not answer and stated later to me that she believed it to be her husband calling). I asked Wanda if Daran had called in excess of three times, which she stated that she received many more than three simultaneous calls from him. I asked if Daran had threatened any physical violence towards her, to which she advised me he had not.

I asked Wanda if the two were currently living together which she advised me they were not. Wanda stated that Daran had been staying with her brother at 153 St. Joseph Street in Fitchburg while the two were separated. Wanda stated that she had dropped a Restraining Order against her husband in January of this year in belief that the two were going to work out their relationship. She advised me that the two were currently separated though, and not attempting to work on their marriage.

Wanda advised me that Daran was intoxicated this evening and did not want to open the door due to the fact that she believed an altercation would take place. I advised Wanda of her right to an Emergency Restraining Order and explained the options. She stated that she did not want an Emergency R.O but would go to the court house in the morning and apply for an R.O. Wanda was given her Notice of Rights which she signed. I advised Wanda that I would attempt to contact Daran tonight and advise him not to return to the house, or to call anymore.

Upon returning to 29 Church Street I contact Daran Rhodes and spoke with him on the matter. I explained to Daran that he was not to call or return to Wanda Rhodes apartment for the night. I also advised him that he was going to be summonsed into court for Criminal Harassment. Upon hearing this Daran hung the phone up.

I will be requesting a summons for Daran Rhodes on C265, S43A Criminal Harassment.
Nothing further to report at this time
Ofc. Minnaugh

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PHILIP B. O'LOUGHLIN